

UNITED STATES DISTRICT COURT

for the

District of South Carolina



United States of America
v.
MARQUIS JEROME POLLARD

Case No.

2:21-mj-45

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 3, 2021 in the county of Beaufort in the
Judicial District of South Carolina, the defendant(s) violated:

Code Section
Title 18, United States Code,
Section 922(g)(1)

Offense Description
Felon in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:
See attached Affidavit of S/A Jody Barboza

☒ Continued on the attached sheet.

JODY BARBOZA

Digitally signed by JODY
BARBOZA
Date: 2021.05.04 15:13:44 -04'00'

Complainant's signature

Jody Barboza, ATF S/A

Printed name and title

Sworn to me via telephone or other reliable electronic means
and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date: 05/04/2021

City and state: Charleston, South Carolina



Molly H. Cherry
Molly H. Cherry, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

IN THE MATTER OF THE COMPLAINT
REGARDING MARQUIS JEROME
POLLARD

Case No. 2:21-mj-45

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ARREST WARRANT

I, Jody Barboza, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”) and have been so employed since August 2003. I have conducted numerous criminal investigations to include those involving violent crime. As an ATF SA, I have received training in federal firearms and narcotics laws and regulations at the ATF National Academy. I regularly refer to these laws and regulations during the course of my duties. I have received extensive training in federal firearms, explosives and narcotic laws, the identification and operation of firearms and criminal firearm investigations. I have conducted investigations regarding firearms trafficking, violations committed by federal firearm licensees (FFL’s), and those involving the unlawful manufacture, possession and transfer of firearms. I have participated in numerous controlled buys of firearms and narcotics from targets of law enforcement investigations. I have conducted investigations into gang members, persons who commit crimes of violence, which include murder,

assaults, armed robberies, persons who deal in controlled substances, and persons who traffic in firearms and prohibited persons who possess firearms.

3. I am familiar with, and have participated in, all normal methods of investigation of such offenses, including, but not limited to, physical surveillance, electronic surveillance, general interviewing of witnesses, the interrogation of subjects, the use of search warrants, confidential informants, pen registers, toll records, wire intercepts, and the use of undercover agents.
4. This affidavit is submitted for the limited purpose of establishing probable cause that Marquis Jerome POLLARD committed the offense of being a felon in possession of a firearm and ammunition, in violation of Title 18, United States Code, Section 922 (g)(1).
5. The facts in this affidavit come from my personal observations, my training and experience, my review of relevant documents, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

PROBABLE CAUSE

6. In March of 2021, ATF New Haven in Connecticut received information from CI-1 regarding firearms that Quinn MOORING was 'middle-manning' for a source in South Carolina.
7. On April 19, 2021, ATF New Haven TFO Healey received information from CI-1 that he/she just spoke with MOORING and MOORING was ready to sell a firearm namely, a

9mm firearm and a drum magazine for \$1,500.00. The meeting was scheduled to take place later in the day at a pre-determined location in New Haven, Connecticut.

8. Later that same day, at approximately 1:32 PM, while conducting surveillance for the controlled purchase, ATF New Haven TFO Podsiad observed a red sedan drive by the meet location and park on Gilbert Street. The sedan was identified as a red Kia Optima bearing South Carolina registration 8907PE. ATF New Haven TFO Podsiad observed MOORING exit the Kia sedan from the front passenger seat.¹ A black male, later identified as Marquis POLLARD, exited the front driver's seat. Both men walked to the rear of the vehicle where POLLARD opened the trunk and removed a plastic bag. Both MOORING and POLLARD walked to the location where CI-1 was waiting inside of the ATF special purpose vehicle (SPV). Upon reaching the ATF SPV, MOORING entered the back seat while POLLARD, holding the plastic bag, entered the front passenger seat.
9. Once inside the ATF SPV, POLLARD removed the high capacity magazine from the plastic bag and handed it to CI-1. POLLARD then took out a black Glock firearm, later determined to be a Glock 17, Model Gen 5, 9mm handgun bearing serial number BSKX589, from a black plastic box. MOORING grabbed the firearm out of POLLARD's hands and gave it to CI-1 while pointing out the night sights on the pistol. MOORING stated, "That's Gen5 bro." (Referring to the Glock Model Gen 5). As CI-1 began to count out the \$1500.00 in ATF agent Cashier funds, MOORING instructed POLLARD to demonstrate how to put on the drum magazine. POLLARD then opened the high-capacity

¹ TFO Podsiad is familiar with MOORING through extensive investigation to include physical surveillance of MOORING and his residence, CI identification, review of previous New Haven Police Department arrest photographs, review of public social media accounts and through a prior police investigation.

drum magazine packaging while CI-1 handed him the \$1500.00. POLLARD then inserted the drum magazine and handed the firearm back to CI-1. POLLARD also demonstrated how to use a speed loader for the pistol magazine. POLLARD provided CI-1 with multiple grips for the pistol as well. After reviewing all the equipment that came with the firearm, POLLARD put it all back into the black plastic Glock box and gave it to CI-1. While POLLARD was counting out the \$1500.00 in Agent Cashier Funds, MOORING introduced him to CI-1 as, "PI". Upon completing the money count, POLLARD exited the vehicle.² This transaction was audio and video recorded.

10. After the controlled purchase, agents conducted a query of the red Kia Optima bearing South Carolina registration 8907PE, which revealed the vehicle is currently registered to Cynthia Pollard Frazier with a listed address of 285 Midtown Drive, Apartment 202, Beaufort, South Carolina.³ Investigators were able to identify POLLARD through review of multiple law enforcement database queries to include his South Carolina Driver's License photograph, review of public social media accounts, and the review of previous New Haven Police Department arrest photographs. Investigators subsequently forwarded a still photograph of POLLARD obtained from covert cameras during the firearms transaction to law enforcement in South Carolina. Law enforcement positively identified him through prior police contacts and further identified him as the son of the Kia's registered owner, Cynthia Pollard Frazier.

² It should be noted that during the debrief of CI-1 following the deal, he/she did not know POLLARD's identity, only that he was from New Haven, CT.

³ Investigators believe that POLLARD is currently leaving the Kia sedan in New Haven, CT while he uses his below-mentioned Saturn sedan to travel to and from South Carolina.

11. ATF New Haven Special Agent Essing queried the purchased Glock pistol through ATF databases which revealed the firearm was a part of a recent multiple firearm sale in Port Royal, South Carolina. The query showed the firearm was purchased on April 11, 2021 by Tahir Ademola BAILEY at Port Royal Gun and Pawn located at 2204 Mossy Oaks Road in Port Royal, South Carolina. ATF later received information from Port Royal Gun and Pawn that BAILEY purchased three 9mm pistols on March 26, 2021 and another two 9mm Glock pistols on April 12, 2021, to include the Glock 17, Model Gen 5, 9mm pistol sold to CI-1 during the controlled purchase on April 19, 2021
12. On April 22, 2021, ATF New Haven and CI-1 conducted a controlled purchase of ammunition from MOORING in New Haven, Connecticut. During the transaction, MOORING provided CI-1 with ammunition contained in a black plastic Glock gun box with a visible firearm serial number on it. A query of the serial number revealed the firearm associated with the box was the second firearm purchased by BAILEY on April 11, 2021 in South Carolina. While waiting for the transaction to take place, investigators observed MOORING arrive to the predetermined meet location in a 1996 Saturn Model SL1 bearing Connecticut registration 843DZR. Investigators were also able to observe the driver to be POLLARD. A query in the Connecticut Department of Motor Vehicle (DMV) database revealed the vehicle is currently registered to Elizabeth Pollard, who investigators believe to be POLLARD's deceased relative, with a listed address in New Haven, Connecticut.
13. On April 27, 2021, I, Special Agent Jody Barboza, having received information from FBI based on their prior surveillance of POLLARD for federal human trafficking violations, went to Shell Pointe Apartments at 285 Midtown Drive to look for the Saturn Model SL1 bearing Connecticut registration 843DZR. FBI relayed information to ATF that

POLLARD frequently stayed at his mother's apartment at 285 Midtown Drive. As previously mentioned, the Kia Optima that has been associated with POLLARD is registered to his mother and has 285 Midtown Drive as her address. Upon arriving at Shell Pointe Apartments, I did locate the Saturn backed into a parking spot near Building 285. I confirmed the vehicle license plate number to be 843DZR.

14. On April 22, 2021, I contacted the owner of Port Royal Gun & Pawn and collected ATF Form 4473, Firearms Transaction Record from Tahir BAILEY's firearm sale and transfer of firearms of a Ruger LC9, Ruger EC9 and Glock 43 pistols on March 26, 2021 and the purchase of a Glock 17 and a Glock 19 pistol on April 12, 2021.
15. I was contacted on April 27, 2021, by the owner of Port Royal Gun & Pawn, that Tahir BAILEY came to Port Royal Gun & Pawn on April 26, 2021 and inquired about the cheapest guns in the store. The clerk told BAILEY he was not comfortable selling a gun to BAILEY and BAILEY left the store.
16. Later in the day on April 27, 2021, I was contacted by the owner of Port Royal Gun & Pawn that BAILEY had returned to Port Royal Gun and Pawn and attempted to purchase two pistols. While BAILEY was in the store, I responded to Port Royal Gun and Pawn and located a black Chevy Impala parked in the adjacent parking with South Carolina license plate number TWS841, registered to BAILEY. I further learned from Port Royal Gun & Pawn that BAILEY provided a SC license for identification during the NICS background check and that BAILEY's background check was delayed. As a result, BAILEY did not leave the store with any firearms. I observed BAILEY, who I was able to identify based on his South Carolina DMV photo, wearing a bright red and black t-shirt and shorts, leave the store and drive away in the black Chevy Impala.

17. I followed BAILEY as he left Port Royal Gun & Pawn and BAILEY drove directly to Shell Pointe Apartments, the same apartments where I had observed the Saturn with CT registration 843DZR parked. A few minutes later, I drove through the apartment complex and located BAILEY's black Chevy Impala parked near Building 285 in Shell Point Apartments. BAILEY, in a bright red and black t-shirt and shorts, was standing outside of Building 285 on the sidewalk. An unknown black male was sitting in the passenger seat of BAILEY's Chevy Impala with the passenger door open. I also observed the Saturn Model SL1 bearing Connecticut registration 843DZR was still parked in the same spot near Building 285 as earlier in the day.
18. On April 28, 2021, I was contacted by the owner of Port Royal Gun and Pawn and told that BAILEY called to inquire about picking up the firearms. Port Royal Gun and Pawn told BAILEY that he was not eligible to pick up the firearms due to his delayed background check.
19. On May 1, 2021, BAILEY went to Port Royal Gun and Pawn and asked to pick up the firearms. The clerk told BAILEY that he needed to pick the firearms up on a regular business day as May 1st was a Saturday.
20. On May 3, 2021, the owner of Port Royal Gun and Pawn called BAILEY and told him the firearms he purchased could be picked up after 1:00 p.m. that day.
21. On May 3, 2021, law enforcement officers conducted surveillance of 285 Midtown Drive in Shell Pointe Apartments (address associated with POLLARD where the black Saturn was parked), 90 The Hill, Lady's Island (BAILEY's residence) and Port Royal Gun & Pawn at 2204 Mossy Oaks Road, Port Royal.

22. At approximately 12:18 p.m., law enforcement saw BAILEY's black Chevy Impala, with SC registration TWS841, drive into Shell Pointe Apartments. Law enforcement units surveilled BAILEY throughout the afternoon as he drove to various locations in and around Beaufort County.
23. At approximately 2:52 p.m., BAILEY called Port Royal Gun and Pawn to ask if he could pick up the two firearms he had purchased.
24. At approximately 3:00 p.m. BAILEY and an unknown female drove to Port Royal Gun and Pawn from Shell Pointe Apartments. BAILEY entered Port Royal Gun and Pawn alone and completed the sale of two pistols, a Mossberg MC1SC 9mm pistol, with serial number 049952CP, and a Glock 43X, Gen 5, 9mm pistol with serial number BTGA902. BAILEY was observed by law enforcement inside the store then leaving with the firearms and placing them inside his vehicle.
25. Law enforcement surveilled BAILEY as he and the female passenger driver drove from Port Royal Gun and Pawn to KC Mike's Smokin' barbeque restaurant located at 2001 Boundary St in Beaufort. BAILEY parked near the front entrance to KC Mike's Smokin'.
26. At approximately 3:25 p.m., law enforcement observed POLLARD driving the black Saturn SL1, drive into the commercial parking lot area surrounding KC Mike's and saw a well-known (by local law enforcement) male named Muntie Green get into the Saturn's front passenger seat. Law enforcement then observed POLLARD drive around the commercial area and parking lots of KC Smokin' and back out onto Boundary Street, on what appeared to be a "heat run" before POLLARD parked at KC Smokin' near BAILEY at approximately 3:29 p.m.⁴

⁴ A "heat run" is known by law enforcement as an unpredictable route meant to evade any tails

27. At approximately 3:30 p.m., law enforcement observed POLLARD exit his vehicle and get into the driver's seat of BAILEY's car. BAILEY was in the passenger seat and the unknown female had gone into KC Mike's. POLLARD was in the car briefly before he exited and went back to his black Saturn and opened the trunk. POLLARD was observed taking an empty, crumpled up blue bag out of his trunk and placing it in the rear passenger seat of BAILEY's vehicle. POLLARD was observed moving items around in the back seat of BAILEY's vehicle before moving the blue bag, that now had shape and weight, back to his black Saturn through the rear driver side passenger door. POLLARD was then observed walking into KC Mike's. POLLARD exited KC Mike's at approximately 3:33 p.m. and returned to the driver's seat of the black Saturn. At that time, BAILEY had moved to the driver's seat of his Chevy Impala and the unknown female got into the Impala's front passenger seat.

28. As law enforcement attempted to stop POLLARD, POLLARD sped off in the black Saturn in an attempt to evade law enforcement. POLLARD hit several curbs with the black Saturn and nearly collided with a law enforcement vehicle while driving through the commercial parking lot before exiting the parking lot onto Boundary Street. POLLARD then drove at a high rate of speed, reaching nearly 70 mph, while driving on the sidewalks. The sidewalks are an area that in the past I have seen several people walking, riding bicycles and operating motorized wheelchairs. POLLARD then took a right on Hogarth St and then a left on Polk Street. Law enforcement observed POLLARD's black Saturn go airborne while making the turns. POLLARD then jumped the curb near 2801 Polk Street before he and the passenger, Green, exited the vehicle and ran through the residential neighborhood.

usually used by criminals when they want to move something or conduct illegal activities.

Law enforcement chased POLLARD over several fences and neighborhood yards and shrubbery before apprehending him at approximately 3:40 p.m. POLLARD had several scrapes and scratches all over his body and was bleeding due to his fleeing through thick brush and was seen by EMS and cleared.

29. Law enforcement conducted a tow inventory of the black Saturn driven by POLLARD.

During the inventory, Law enforcement recovered:

- a. four cell phones
- b. two computer tablets
- c. miscellaneous paperwork in the name of POLLARD, including correspondence from the 9th Circuit Solicitors Office dated January 27, 2021
- d. three firearms
 - i. including the two firearms just purchased by BAILEY in their original firearm boxes located in a blue bag on the driver side rear passenger floorboard and a Smith and Wesson, SD40VE, 40 caliber pistol, with serial number FZM2491, with a loaded extended 30 round magazine, found on the passenger side rear floorboard
- e. approximately 22.54g of marijuana
- f. a red digital scale
- g. one large and one small glass jar both containing an odor of marijuana
- h. 15 rounds of .40 caliber ammunition in a box.

30. POLLARD, BAILEY and the female passenger in BAILEY's car, identified as Shanya HIGGINS, were all separately Mirandized. All three waived their Miranda rights and agreed to talk to law enforcement. All three were separately interviewed.

31. BAILEY told law enforcement he had purchased two firearms at Port Royal Gun and Pawn that day (May 3, 2021) and then he went to KC Mike's to drop the guns off to a guy he does not know. BAILEY stated he does not own any firearms and has no reason to. BAILEY stated he has bought a total of six guns, all Glocks, to give to a guy he knows as "PI" that he used to work with at the port in Georgia. BAILEY stated he needed the money to buy a trailer and that "PI" gave him \$200 per firearm. BAILEY stated when he purchases firearms from Port Royal Gun and Pawn his background is delayed because of his arrest for possession of marijuana. After BAILEY is cleared to pick up the firearms he meets "PI" in various places, including a parking lot behind Port Royal Gun and Pawn and KC Mike's, to make the firearm transfers. BAILEY stated he is supposed to get paid \$200 when "PI" sells the firearms, but to date BAILEY has never been reimbursed by POLLARD for the cost of the firearms.

32. HIGGINS stated she knows POLLARD through her father Antonio Higgins, who is currently federally incarcerated. HIGGINS stated she has purchased firearms for POLLARD in the past, but that she has stopped. HIGGINS stated she lives at Shell Pointe Apartments and POLLARD's mother used to live there but POLLARD's mother has recently moved out and the apartment is empty. HIGGINS stated she purchased firearms from Shepherd Tactical in Beaufort and that she sometimes would buy one firearm at a time and other times she bought multiple firearms during a single purchase. HIGGINS stated she would transfer the firearms to POLLARD at Shell Pointe Apartments and POLLARD would give her the money for the purchase of the firearms in addition to \$200 per firearm. HIGGINS stated today, May 3, 2021, she contacted POLLARD to buy some

marijuana and told him to meet her at KC Mike's. HIGGINS stated she introduced BAILEY to POLLARD because she knew BAILEY needed money.

33. As to the incident that occurred that day, May 3, 2021, POLLARD stated he knows HIGGINS through her father who is currently federally incarcerated. POLLARD stated he looks out for HIGGINS. POLLARD stated HIGGINS called him the afternoon of May 3, 2021 and asked if he had any weed (marijuana) and that she was at KC Mike's. POLLARD stated he met HIGGINS to give her the weed at KC Mike's. Prior to meeting with HIGGINS, POLLARD saw Muntie (Green) in the area, who he knows and has given several rides home to, and he offered him a ride. POLLARD stated he smokes weed and he just looks out for HIGGINS so when she called, and he had weed available, he took it to her. POLLARD stated he had the weed in his hand when he exited his vehicle and got into the car HIGGINS was in. POLLARD stated, after giving HIGGINS the weed, he went inside KC Mike's to use the bathroom and then left the restaurant before getting back in his vehicle and evading law enforcement. POLLARD stated he fled law enforcement because he does not have a valid license. POLLARD denied knowing anything about the firearms located in the black Saturn he was driving. POLLARD stated he did not know the male in the vehicle with HIGGINS other than he worked with him at the Savannah port before POLLARD was fired.
34. POLLARD stated he recently moved his dying mother, who lived at Shell Pointe Apartments, to Connecticut to be near his sister.
35. POLLARD stated he drove down from Connecticut a week ago Sunday (April 25, 2021), with a girl named Lindsay, in the black Saturn, which was a relative's vehicle.

36. POLLARD told law enforcement to check the firearms recovered in his vehicle that day for fingerprints and further stated the “feds” just had him (on charges) and he told them to “suck my dick” and the charges ended up being dismissed.
37. POLLARD stated he goes by the nicknames “Gonzo”, “Gonie B”, and “Parris Island”.
38. I requested ATF S/A Bryce Eikenberg, an interstate nexus expert, to make a determination of the international and/or interstate travel of the below listed firearms and ammunition:
- a. Mossberg MC1SC 9mm pistol, serial number 049952CP
 - b. Glock 43X Gen 5 9mm pistol serial number BTGA902
 - c. Smith and Wesson SD40VE 40 cal pistol serial number FZM2491
39. ATF S/A Eikenberg concluded all three firearms are “firearms” as defined in Title 18, United States Code, Section 921(a)(3) and it is S/A Eikenberg’s opinion, based on knowledge, research, and experience, that the firearms moved in international and/or interstate travel and therefore have traveled in and affected interstate commerce, as defined in Title 18, United States Code, Section 921(a)(2).
40. I have reviewed the NCIC criminal history for POLLARD and determined POLLARD has been convicted in the state of South Carolina of a crime punishable by a term of imprisonment exceeding one year.
41. POLLARD received a fifteen (15) prison year sentence for Burglary on or about May 21, 2003, which, based on the length of the sentence, would tend to show POLLARD knew he had been convicted of a crime punishable by a term of imprisonment exceeding one year because he had actually received a sentence for substantially more than one year.
42. I also contacted the South Carolina Department of Probation, Parole, and Pardon services and determined POLLARD has not received a pardon as of April 30, 2021.

43. As outlined earlier, the facts contained in this affidavit are of my own personal knowledge as well as facts related to me by other law enforcement officers and official custodians of record.

CONCLUSION

44. Based on the above facts and circumstances, I request an arrest warrant be issued for Marquis Jerome POLLARD for felon in possession of firearm(s) and/or ammunition, in violation of Title 18, United States Code, Section 922(g)(1)

This affidavit has been reviewed by SAUSA Carra Henderson.

JODY
BARBOZA

Digitally signed by JODY
BARBOZA
Date: 2021.05.04 15:12:37
-04'00'

Special Agent Jody Barboza

Bureau of Alcohol, Tobacco, Firearms and
Explosives

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 42(d)(3)
AS APPLICABLE

this 4 day of May 2021

Molly H. Cherry
Molly H. Cherry
United States Magistrate Judge

